

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

SECURITIES AND EXCHANGE  
COMMISSION,  
  
Plaintiff,  
  
v.  
  
MARK CUBAN,  
  
Defendant.

**Civil Action No. 3:08-cv-02050 (SAF)**

**DEFENDANT MARK CUBAN’S MOTION TO EXCLUDE OPINIONS, TESTIMONY, AND  
REPORT OF PLAINTIFF SECURITIES AND EXCHANGE COMMISSION’S EXPERT  
THOMAS LEE HAZEN**

Defendant Mark Cuban respectfully moves this Court to exclude the opinions, report, and all testimony of the Securities and Exchange Commission's expert Thomas Lee Hazen. As set forth more fully in the accompanying Memorandum of Law in support of this Motion, which is incorporated herein by reference, Professor Hazen's opinions are not proper rebuttal opinions, they consist of inadmissible legal conclusions, Professor Hazen's methodology – to the extent he is following one at all – is undisclosed and flawed, Professor Hazen is not qualified to opine as to the matters he purports to "rebut," and his opinions will not assist the trier of fact in this case.

Dated: October 19, 2012  
Washington, D.C.

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**CERTIFICATE OF CONFERENCE AND SERVICE**

In accordance with Local Rules 7.1(b) and 7.1(h) of the United States District Court for the Northern District of Texas, I hereby certify that this motion is opposed by the SEC. I further certify that I met and conferred with the SEC regarding this motion by telephone on October 16, 2012. The attorneys present for the SEC at this conference included Duane Thompson, Adam Aderton, and Kevin O'Rourke. Because of the parties' fundamental disagreement as to the propriety and admissibility of Prof. Hazen's report, testimony, and opinions, the parties could not reach agreement at that time.

I further certify that on October 19, 2012, I electronically submitted the foregoing document, along with the accompanying Memorandum of Law and Appendix, with the clerk of court for the United States District Court for the Northern District of Texas using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically.

/s/ Lyle Roberts